

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*

State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants

69cv07941-KWR/KK

RIO CHAMA STREAM SYSTEM

Section 1: Rio del Oso & Rio Vallecito

Subfile No.: CHRO-001-0007

**MOTION FOR DEFAULT JUDGMENT AS TO GONZALES FAMILY PROPERTIES,
LLC, SUBFILE NO. CHRO-001-0007**

COMES NOW the plaintiff New Mexico *ex rel.* State Engineer (“State”) and moves the Court to enter its order granting default judgment pursuant to Fed. R. Civ. P. 55(b)(2) against the following defendant:

**GONZALES FAMILY
PROPERTIES, LLC**

Subfile No. CHRO-001-0007

and as grounds therefor Plaintiff states:

1. Defendant GONZALES FAMILY PROPERTIES, LLC was an unidentified and unknown claimant joined and served per the *Procedural Order for the Adjudication of Water Rights Claims in the Rio del Oso & Rito Vallecitos in Section 1 of the Rio Chama Stream System* filed June 28, 2016, (Doc. 11119).

2. The Court has jurisdiction over the above-named defendant as shown by the *Notice of Pendency of Suit* entered by the Court on July 26, 2016, (Doc. No. 11128), which was published in the *Rio Grande Sun* once a week for three consecutive weeks, beginning on August 11, 2016, and ending on August 25, 2016. (*See* Docs. 11156 and 11156-1, filed 9/27/2016.)
3. Defendant GONZALES FAMILY PROPERTIES, LLC is in default for failure to appear, answer, or otherwise defend in this cause, as shown by the *Clerk's Entry of Default* filed on December 20, 2019, (Doc. No. 11574).
4. The State has met with Mr. Gonzales to investigate and discuss the water rights under this subfile number, but as noted above, the defendant has not appeared, answered, or otherwise defended in this cause.
5. In accordance with the *Office of the State Engineer Rio Chama Stream System Section 1 Rio del Oso & Rito Vallecitos Hydrographic Survey*, as amended, the right(s) of GONZALES FAMILY PROPERTIES, LLC to divert and use the public waters of Section 1 of the Rio Chama Stream System, Rio del Oso & Rio Vallecito should be as set forth as below:

GONZALES FAMILY PROPERTIES, LLC
Subfile No. CHRO-001-0007

A. IRRIGATED LANDS (Surfacc Water Only):

Office of the State Engineer File No: **NONE**

Priority: **1807**

Source of Water: Surface water of the Rio Vallecito, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: MORA RANCH COMMUNITY DITCH

Location X: 1,610,766 feet Location Y: 1,845,061 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Juan Jose Lobato Land Grant	1.6 acres
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Total	1.6 acres

As shown on the revised Hydrographic Survey Map for Subfile No.: CHRO-001-0007

Amount of Water (acre-feet per acre per year, not to exceed):

Consumptive Irrigation Requirement = 1.25

Farm Delivery Requirement = 3.13

Project Diversion Requirement = 5.22

B. POND(S) (Surface Water Only):

Office of the State Engineer File No(s): NONE

Priority: 1807

Source of Water: Surface water of the Rio Vallecito, a tributary of the Rio Chama.

Purpose of Use: LIVESTOCK WATERING

Point of Diversion:

Ditch: MORA RANCH COMMUNITY DITCH

Location X: 1,610,766 feet Location Y: 1,845,061 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Pond Location and Surface Area:

Within the Juan Jose Lobato Land Grant	0.03 acres
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Total	0.03 acres
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As shown on the revised Hydrographic Survey Map for Subfile No.: CHRO-001-0007

Pond Depth: 4.0 feet

Pond Volume: 0.07 acre-feet

C. NO RIGHT (Surface Water Only):

Office of the State Engineer File No(s): NONE

Priority: NONE

Source of Water: Surface water of the Rio Vallecito, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: MORA RANCH COMMUNITY DITCH

Location X: 1,610,766 feet Location Y: 1,845,061 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage:

Within the Juan Jose Lobato Land Grant 3.3 acres

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Total 3.3 acres (No Right)

As shown on the revised Hydrographic Survey Map for Subfile No.: CHRO-001-0007

Amount of Water (acre-feet per acre per year, not to exceed): NONE

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order granting default judgment against GONZALES FAMILY PROPERTIES, LLC incorporating the terms of the State's proposed consent order in Subfile No. CHRO-001-0007 and in conformance with the *Office of the State Engineer Rio Chama Stream System Section 1 Rio del Oso & Rito Vallecitos Hydrographic Survey*, as amended.

DATED: September 2, 2022

Respectfully submitted,

/s/ Edward C. Bagley
EDWARD C. BAGLEY
Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-7844

CERTIFICATE OF SERVICE

I certify that on September 2, 2022, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

Additionally, I have caused to be mailed a copy this application to Defendant Gonzales Family Properties, LLC at the following address:

Gonzales Family Properties, LLC
113 Coyote Ridge Trail
Santa Fe, NM 87507

/s/ Edward C. Bagley
Edward C. Bagley